

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JAMAAL LLOYD and ANASTASIA JENKINS, : 22cv4129 (DLC)
: 24cv9809 (DLC)
Plaintiffs, :
: ORDER
-v- :
ARGENT TRUST COMPANY et al., :
: Defendants.
:
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VINCENT M. MICONE III, Acting :
Secretary, United States Department of :
Labor, :
: Plaintiff,
-v- :
ARGENT TRUST COMPANY et al., :
: Defendants.
:
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DENISE COTE, District Judge:

The Lloyd action (22cv4129) was brought in May 2022, and was stayed from June 23, 2023 to January 28, 2025. The parties in the Lloyd action raised discovery disputes in their letters of June 20, 2023 that had not been resolved when the stay was entered. The Department of Labor action (24cv9809) was brought in December 2024. On February 12, 2025, the defendants moved to consolidate the Lloyd action and the Department of Labor action. The parties in both actions attended a joint conference on

February 20, 2025. As set forth in that conference, it is hereby

ORDERED the defendants' February 12, 2025 motion to consolidate these actions is denied.

IT IS FURTHER ORDERED that document productions must be completed by May 2, 2025.

IT IS FURTHER ORDERED that the plaintiffs in the Lloyd action and the Department of Labor are entitled to a total of 70 hours of deposition time across both actions, and the defendants are entitled to a total of three depositions across both actions.

IT IS FURTHER ORDERED that the following schedule shall govern the further proceedings in both actions:

1. The parties are instructed to contact the chambers of Magistrate Judge Stewart D. Aaron prior to February 28, 2025 in order to schedule settlement discussions under his supervision to occur in September 2025.
2. All fact discovery must be completed by August 29, 2025.
3. Any class certification motion will be served by the following dates:
 - Motion served by July 18, 2025
 - Opposition served by August 15, 2025
 - Reply served by September 5, 2025

At the time any reply is filed, the moving party shall supply Chambers with two (2) courtesy copies of all motion papers by mailing or delivering them to the United States Courthouse, 500 Pearl Street, New York, New York.

4. Expert reports and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), Fed. R.

Civ. P., by the party bearing the burden on an issue must be served by August 15, 2025. Identification of rebuttal experts and disclosure of their expert testimony must occur by September 19, 2025.

5. All expert discovery must be completed by October 31, 2025.
6. The joint pretrial order must be filed by December 5, 2025.

As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial, including any motions in limine. Any responsive papers are due one week thereafter. In the event a party does not file a Memorandum of Law, a responsive Memorandum of Law is not permitted. Counsel will provide the Court with two (2) courtesy copies of all pretrial documents at the time of filing.

All direct testimony except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits served, **but not filed**, with the Joint Pretrial Order.

Those portions of depositions that are being offered as substantive evidence, along with a one-page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial. Affiants for whom such notice is not given are not required to be present at trial.

At the time the above-described documents are filed or served, Counsel will provide the Court with one (1) electronic set of all exhibits, one (1) hardcopy of key exhibits, and two (2) courtesy copies of all other documents at the time they are served. Counsel will also provide the Court with one (1) hardcopy of the depositions, as described above. Counsel shall send the electronic

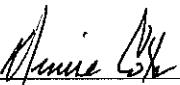
versions to the Court's Chambers email:
Cotenysdchambers@nysd.uscourts.gov. The case name, case number, and email contents should be clearly set forth in the email's subject line.

7. Any Daubert motions shall be filed by December 5, 2025. Oppositions to Daubert motions must be filed by December 19, 2025.
8. Trial is scheduled for February 2, 2026.

IT IS FURTHER ORDERED that the following procedures shall govern the conduct of the trial.

1. Testimony will generally be taken between 9:30 and 5:00 from Monday through Thursday. There will be a mid-morning, a mid-afternoon and a lunch break from 12:45 to 2:00 p.m.
2. Counsel should make certain that they have custody of all original exhibits. The Court does not retain them and the Clerk is not responsible for them.

Dated: New York, New York
February 20, 2025


DENISE COTE
United States District Judge